

NINETY-EIGHTH DAY

(Monday, June 30, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hardeman
Allison	Hargis
Alsup	Harris of Dallas
Avant	Harris of Hill
Bailey	Hartzog
Baker	Heflin
Bell	Helpinstill
Benton	Henderson
Brawner	Hileman
Bridgers	Hobbs
Brown	Howard
Bruhl	Howington
Bundy	Hoyo
Burkett	Huddleston
Burnaman	Hughes
Carlton	Humphrey
Carrington	Hutchinson
Cato	Isaacks
Chambers	Jones
Clark	Kelly
Cleveland	Kennedy
Coker	Kersey
Colson, Mrs.	Kinard
Connelly	King
Craig	Klingeman
Crossley	Knight
Crosthwait	Lansberry
Daniel	Lehman
Davis	Leyendecker
Deen	Lock
Dickson of Bexar	Love
Dickson of Nolan	Lowry
Donald	Lucas
Dove	Lyle
Duckett	McAlister
Dwyer	McCann
Ellis	McDonald
Eubank	McGlasson
Evans	McLellan
Favors	McMurry
Ferguson	McNamara
Files	Manford
Fitzgerald	Manning
Fuchs	Markle
Gandy	Martin
Garland	Matthews
Gilmer	Montgomery
Goodman	Moore
Halsey	Morgan
Hanna	Morris
	Morse

Murray	Smith of Bastrop
Pace	Smith of Atascosa
Parker	Spacek
Pevehouse	Stanford
Phillips	Stinson
Price	Stubbs
Rampy	Taylor
Reed of Bowie	Thornton
Reed of Dallas	Turner
Ridgeway	Voigt
Rhodes	Walters
Roberts	Wattner
Sallas	Weatherford
Senterfitt	White
Sharpe	Whitesides
Simpson	Winfree
Skiles	

Absent

Bean	Huffman
Blankenship	Shell
Celaya	Vale

Absent—Excused

Allen	Mills
Boone	Nicholson
Bray	Roark
Bullock	Spangler
Little	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, in the midst of conditions that perturb and circumstances that demand wisdom, we come into Thy presence, for in Thy presence and under Thy guidance there is peace and there is safety. Help us to turn our minds seriously to the important duties of the day, and to be discreet in our zeal and temperate in our desires. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Boone for today, on motion of Mr. Goodman.

Mr. Allen for today, on motion of Mr. Markle.

Mr. Little and Mr. Spangler for today, on account of important State business, on motion of Mrs. Colson.

Mr. Roark for today, on motion of Mr. Sharpe.

The following Members were granted leaves of absence on account of illness:

Mr. Bullock for today, on motion of Mr. Cleveland.

Mr. Mills for today and the balance of the week, on motion of Mr. Burkett.

Mr. Nicholson for today and the balance of the week, on motion of Mr. Burkett.

Mr. Montgomery temporarily for today, on motion of Mr. Heflin.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Manning:

H. B. No. 1100, A bill to be entitled "An Act making it unlawful to take, kill, pursue, or attempt to take, kill, or pursue, or otherwise molest any deer in Shelby County until November 16, 1946; providing a suitable penalty; repealing conflicting laws; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Daniel:

H. B. No. 1101, A bill to be entitled "An Act making it lawful to hunt wounded wild deer with one dog in the Counties of Liberty and Hardin, Texas, during the open season of each year for a period of five (5) years, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Spacek (by request):

H. B. No. 1102, A bill to be entitled "An Act relating to marks and brands of live stock in Fayette County; requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised

Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect have his mark and brand of such stock recorded at the office of the County Clerk; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from the taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in Fayette County; and further providing that the County Clerk of said County shall publish this Act in some newspaper in general circulation in Fayette County for a period of thirty (30) days; providing for rerecording brands and marks at end of ten-year period; and declaring an emergency."

Referred to the Committee on Live Stock and Stock Raising.

MESSAGE FROM THE SENATE

Austin, Texas, June 30, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

S. C. R. No. 85, Granting J. P. McKenzie of Walker County permission to sue the State of Texas and the State Parks Board.

The Senate has adopted the Conference Committee report on House Bill No. 831 by the following vote: Yeas, 28; nays, 0.

Passed

H. B. No. 1099, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Bedding Division of the State Department of Health for the two-year period beginning September 1, 1941, and ending August 31, 1943, and for other purposes; and declaring an emergency."

H. B. No. 1047, A bill to be entitled "An Act suspending the run-

ning of the primary term of any oil, gas, or mineral lease heretofore or hereafter issued by the Commissioner of the General Land Office which lease has been, is, or which may hereafter become involved in litigation relating to the validity of such lease or to the authority of the Commissioner, etc.; and declaring an emergency."

H. B. No. 857, A bill to be entitled "An Act amending Article 3125, Revised Civil Statutes, 1925, as amended by Chapter 225, Acts of the Forty-third Legislature, to provide certain changes with respect to the canvass of election returns by the county executive committee, etc.; and declaring an emergency."

The Senate has concurred in House amendments to Senate Bill No. 464 by the following vote: Yeas, 28; nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

RELATIVE TO HOUSE BILL NO. 611

Mr. Stubbs moved to reconsider the vote by which the House refused to concur in Senate amendments to House Bill No. 611 and requested the appointment of a conference committee to adjust the differences between the two Houses.

Mr. Reed of Bowie moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider the vote, it prevailed.

Question: Shall the House refuse to concur in Senate amendments to House Bill No. 611 and request the appointment of a conference committee to adjust the differences?

Mr. Stubbs moved as a substitute motion that the House concur in Senate amendments to House Bill No. 611.

The substitute motion prevailed by the following vote:

Yeas—94

Allison	Kennedy
Alsup	Kersey
Avant	King
Baker	Klingeman
Bell	Knight
Blankenship	Lansberry
Bridgers	Love
Brown	Lowry
Bundy	McAlister
Burkett	McLellan
Burnaman	McMurry
Carlton	McNamara
Carrington	Manning
Cato	Markle
Clark	Martin
Coker	Matthews
Connelly	Montgomery
Crossley	Moore
Crosthwaite	Morris
Daniel	Morse
Davis	Pace
Dickson of Nolan	Parker
Donald	Pevehouse
Dove	Phillips
Duckett	Price
Files	Rampy
Fitzgerald	Reed of Dallas
Gilmer	Ridgeway
Goodman	Roberts
Halsey	Sallas
Hanna	Senterfitt
Hardeman	Sharpe
Hargis	Shell
Harris of Dallas	Simpson
Heflin	Skiles
Helpinstill	Smith of Bastrop
Henderson	Smith of Atascosa
Hileman	Stanford
Hobbs	Stinson
Howard	Stubbs
Hoyo	Taylor
Hughes	Turner
Humphrey	Voigt
Hutchinson	Weatherford
Isaacks	White
Jones	Whitesides
Kelly	Winfrey

Nays—33

Bailey	Ellis
Benton	Eubank
Brawner	Evans
Chambers	Favors
Cleveland	Ferguson
Colson, Mrs.	Fuchs
Craig	Gandy
Deen	Garland
Dickson of Bexar	Harris of Hill
Dwyer	Howington

Huddleston	Murray
Lehman	Reed of Bowie
Leyendecker	Rhodes
Lock	Spacek
Lucas	Walters
McCann	Wattner
Morgan	

Absent

Bean	Lyle
Celaya	McDonald
Hartzog	McGlasson
Huffman	Thornton
Kinard	Vale

Absent—Excused

Allen	Manford
Boone	Mills
Bray	Nicholson
Bruhl	Roark
Bullock	Spangler
Little	

Mr. Lucas moved to reconsider the vote by which the substitute motion prevailed.

The motion to reconsider prevailed.

Question: Shall the substitute motion prevail?

The House concurred in Senate amendments to H. B. No. 611 by the following vote:

Yeas—127

Allison	Crothwait
Alsop	Daniel
Avant	Davis
Bailey	Deen
Baker	Dickson of Bexar
Benton	Dickson of Nolan
Bell	Donald
Blankenship	Dove
Brawner	Duckett
Bridgers	Dwyer
Brown	Ellis
Bruhl	Eubank
Bundy	Evans
Burkett	Files
Burnaman	Fitzgerald
Carlton	Fuchs
Carrington	Gandy
Cato	Garland
Chambers	Goodman
Cleveland	Halsey
Coker	Hanna
Connelly	Hardeman
Crossley	Hargis

Harris of Dallas	Martin
Harris of Hill	Matthews
Hartzog	Montgomery
Heflin	Moore
Helpinstill	Morgan
Henderson	Morris
Hileman	Morse
Hobbs	Murray
Howard	Pace
Howington	Parker
Hoyo	Pevehouse
Huddleston	Phillips
Hughes	Price
Humphrey	Rampy
Hutchinson	Reed of Dallas
Isaacks	Ridgeway
Jones	Rhodes
Kelly	Roberts
Kennedy	Sallas
Kersey	Senterfitt
Kinard	Sharpe
King	Shell
Klingeman	Simpson
Knight	Skiles
Lansberry	Smith of Bastrop
Lehman	Smith of Atascosa
Leyendecker	Spacek
Love	Stanford
Lowry	Stinson
Lucas	Stubbs
Lyle	Taylor
McAlister	Thornton
McCann	Turner
McDonald	Voigt
McGlasson	Walters
McLellan	Wattner
McMurry	Weatherford
McNamara	White
Manford	Whitesides
Manning	Winfree
Markle	

Nays—5

Craig	Lock
Favors	Reed of Bowie
Ferguson	

Absent

Bean	Gilmer
Celaya	Huffman
Clark	Vale
Colson, Mrs.	

Absent—Excused

Allen	Mills
Boone	Nicholson
Bray	Roark
Bullock	Spangler
Little	

RELATIVE TO OLD AGE ASSISTANCE

On motion of Mr. Reed of Dallas, the following communication was ordered printed in the Journal:

Western Union

Washington, D. C.
June 28, 1941.

John Smith Murchison, Executive Director, State Department of Public Welfare, Austin, Texas.

Re your letter June 23, 1941, and attachments, requesting Federal Matching Old Age Assistance for six months July through December, 1941. As you have been informed, present State plan will not be in conformity with Federal Act after July 1, 1941. Your request for funds, therefore, cannot be approved until Board is advised of action taken to correct deficiencies. State Department of Public Welfare and Members of Legislature have been informed of amendments to State plan made necessary (1) by amendments to Social Security Act effective July 1, 1941, regarding consideration of income and resources in determining need of applicants, and maintenance of confidential nature of public assistance records; and (2) by inability of State agency under present legislation to provide funds for administration of Merit System required by Federal amendment of January 1, 1940. Drafts of House Bill 611 and 454, as presented for review by Board, were found to provide adequate basis for conformity with requirements of above amendments to Social Security Act.

In addition, serious questions relating to efficient administration are raised by provisions of Senate Bill 423 which limits administrative expenses to 3 per cent. Your previous limitation of 5 per cent. as you know has resulted in serious difficulties in maintenance of adequate standards of administration. Now, with prospect of addition to case load of approximately 40,000 new cases during six months June 30 to December 31, 1941, as indicated in grant estimates, it can safely be stated that 3 per cent. limitation of appropriation for administration will not enable State

to conform to standards of efficient administration required by Social Security Act. Line-item appropriations covering salaries for specific positions do not include adequate supervisory staff to assure effective operation. Furthermore, State agency's plan for personnel administration has been accepted and Federal funds have been made available with understanding that appropriate plan provisions and funds enabling participation in plan for merit administration would be provided during current Session of Legislature.

JANE M. HOEY.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 85, To Grant J. P. McKenzie Permission to Sue the State.

Whereas, On or about November 24, 1940, the spillway in the Huntsville State Park dam broke, thereby releasing great quantities of water; and

Whereas, The releasing of said waters into a creek below the dam caused the creek to overflow across the land owned by J. P. McKenzie, thereby seriously damaging said land in respect to its value and for farm purposes, and drowning live stock owned by the said J. P. McKenzie; and

Whereas, The said J. P. McKenzie has never been compensated for the damage and injury to his property and livestock aforesaid; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the said J. P. McKenzie, his heirs, executors, and administrators be and they are hereby granted permission to bring suit against the State of Texas and the State Parks Board in a court of competent jurisdiction in Walker County, Texas, in order to ascertain, fix and award the amount of money, if any, the said J. P. McKenzie, his heirs, executors and administrators are entitled to receive from the State of Texas and the State Parks Board as compensation for the in-

jury and damage to his property and livestock by reason of the overflow of waters caused by the breaking of the aforesaid dam; and that in case suit be filed, service of citation or other necessary process therein shall be upon the Attorney General of Texas, and such service shall have the same force and effect as service in civil cases in the manner prescribed by law; and any judgment that may be finally established against the State of Texas and the State Parks Board, if any, shall be and constitute a liquidated debt; and, be it further

Resolved, That the sole purpose of this resolution is to grant permission to said J. P. McKenzie, his heirs, executors, and administrators to bring suit against the State of Texas and the State Parks Board for the above alleged cause of action, and no statement made herein shall be construed as an admission of fact by the State of Texas or the State Parks Board.

The resolution was read second time and was referred by the Speaker to the Committee on State Affairs.

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House and had read the following messages from the Governor:

June 30, 1941.

To the Members of the House of Representatives of the Forty-seventh Legislature:

I am returning herewith House Bill No. 502 without my approval.

This bill authorizes independent school districts and cities which have assumed control of their public schools to issue bonds for the purchase, construction or building of additional recreational facilities, which bonds may be secured by mortgage not only on the additional facilities to be acquired but also on existing recreational facilities owned by such districts or cities, and the income therefrom, without calling an election for the issuance of such bonds.

Inasmuch as the effect of this bill is to deny the people the right to

vote on the issuance of such bonds, I cannot approve this bill.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

June 30, 1941.

To the House of Representatives of the Forty-seventh Legislature:

In compliance with the request contained in House Concurrent Resolution No. 280, I am returning House Bill No. 188 to the House of Representatives.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

RELATIVE TO HOUSE BILL NO. 166

Mr. McNamara called up for consideration at this time the motion to reconsider the vote by which the Conference Committee report on House Bill No. 166 was heretofore adopted.

The motion to reconsider having heretofore been spread on the Journal.

Question: Shall the motion to reconsider prevail?

Mr. Manning moved the previous question on the motion to reconsider the vote by which the conference report on House Bill No. 166 was adopted and the main question was ordered.

Question recurring on the motion to reconsider the vote by which the conference report was adopted, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—67

Allison	Burkett
Alsop	Burnaman
Bailey	Chambers
Baker	Cleveland
Benton	Craig
Brawner	Crossley
Bridgers	Davis
Brown	Donald
Bruhl	Duckett

Eubank	McMurry
Favors	McNamara
Fuchs	Manford
Garland	Manning
Gilmer	Markle
Hanna	Murray
Hargis	Pace
Harris of Hill	Parker
Helpinstill	Phillips
Henderson	Rampy
Hileman	Reed of Bowie
Hobbs	Rhodes
Howington	Roberts
Jones	Senterfitt
Kersey	Sharpe
King	Smith of Bastrop
Klingeman	Stinson
Knight	Stubbs
Lansberry	Thornton
Lehman	Voigt
Lowry	Walters
Lucas	Wattner
McCann	Whitesides
McGlasson	Winfree
McLellan	

Nays—61

Avant	Hughes
Bell	Humphrey
Boone	Hutchinson
Bundy	Isaacks
Carlton	Kennedy
Carrington	Kinard
Cato	Leyendecker
Coker	Lock
Colson, Mrs.	Love
Connelly	McAlister
Crosthwait	McDonald
Daniel	Martin
Deen	Matthews
Dickson of Bexar	Montgomery
Dickson of Nolan	Moore
Dove	Morgan
Dwyer	Morris
Ellis	Morse
Evans	Pevhouse
Ferguson	Price
Files	Reed of Dallas
Fitzgerald	Ridgeway
Goodman	Sallas
Halsey	Simpson
Hardeman	Skiles
Harris of Dallas	Smith of Atascosa
Hartzog	Stanford
Heflin	Turner
Howard	Weatherford
Hoyo	White
Huddleston	

Present—Not Voting

Spacek

Absent

Bean	Kelly
Blankenship	Lyle
Celaya	Shell
Clark	Taylor
Gandy	Vale
Huffman	

Absent—Excused

Allen	Mills
Bray	Nicholson
Bullock	Roark
Little	Spangler

PAIRED

Mr. Spacek (present), who would vote "yea," with Mr. Bullock (absent), who would vote "nay."

Mr. Morris requested a verification of the vote.

Mr. Craig moved to dispense with the verification.

The motion by Mr. Craig prevailed by the following vote:

Yeas—90

Allison	Hardeman
Alsup	Hargis
Avant	Harris of Dallas
Bailey	Harris of Hill
Baker	Helpinstill
Benton	Henderson
Bridgers	Hileman
Brown	Hobbs
Bruhl	Howington
Bundy	Huddleston
Burkett	Hutchinson
Burnaman	Isaacks
Chambers	Jones
Cleveland	Kersey
Craig	King
Crossley	Klingeman
Crosthwait	Knight
Daniel	Lansberry
Davis	Lehman
Deen	Lowry
Dickson of Bexar	Lucas
Donald	McCann
Dove	McDonald
Duckett	McGlasson
Evans	McLellan
Favors	McMurry
Ferguson	McNamara
Fitzgerald	Manford
Fuchs	Manning
Garland	Markle
Gilmer	Martin
Halsey	Matthews
Hanna	Morgan
	Murray

Pace	Spacek
Parker	Stinson
Phillips	Stubbs
Price	Turner
Rampy	Voigt
Reed of Bowie	Walters
Rhodes	Wattner
Roberts	Weatherford
Sallas	White
Senterfitt	Whitesides
Sharpe	Winfree
Smith of Bastrop	

Nays—31

Bell	Humphrey
Carlton	Kennedy
Carrington	Kinard
Cato	Lock
Coker	Love
Colson, Mrs.	McAlister
Connelly	Moore
Dickson of Nolan	Morris
Dwyer	Morse
Ellis	Pevehouse
Eubank	Reed of Dallas
Files	Ridgeway
Goodman	Simpson
Heflin	Skiles
Howard	Smith of Atascosa
Hoyo	

Absent

Bean	Kelly
Blankenship	Leyendecker
Brawner	Lyle
Celaya	Shell
Clark	Stanford
Gandy	Taylor
Hartzog	Thornton
Huffman	Vale
Hughes	

Absent—Excused

Allen	Mills
Boone	Montgomery
Bray	Nicholson
Bullock	Roark
Little	Spangler

Question: Shall the Conference Committee report on House Bill No. 166 be adopted?

Mr. Stinson moved as a substitute motion that the conference report be not adopted and that it be sent back to the same Conference Committee for further consideration.

Mr. Kinard moved to table the substitute motion by Mr. Stinson.

The motion to table was lost.

Question then recurring on the substitute motion by Mr. Stinson, it prevailed.

INSTRUCTIONS TO CONFERENCE
COMMITTEE ON HOUSE
BILL NO. 166

Mr. Kelly moved that the Conference Committee on House Bill No. 166 be instructed to report back to the House by 11:00 o'clock a. m. next Wednesday.

The motion prevailed.

(Mr. Taylor in the Chair.)

RELATIVE TO SENATE
BILL NO. 464

On motion of Mr. Hardeman and by unanimous consent of the House, the caption of Senate Bill No. 464 was ordered amended to conform to all changes and with the body of the bill.

TO GRANT PERMISSION TO
SUE THE STATE

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 85, To grant J. P. McKenzie permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted.

RESOLUTION ORDERED
NOT PRINTED

On motion of Mr. McDonald, Senate Joint Resolution No. 20 was ordered not printed.

(Speaker in the Chair.)

PROVIDING FOR ADJOURN-
MENT SINE DIE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 86, Providing for Adjournment Sine Die.

Be it resolved by the Senate of Texas, the House of Representatives

concurring, That the Regular Session of the Forty-seventh Legislature do stand adjourned sine die on Thursday, July 3, 1941, at 12:00 o'clock noon.

The resolution was read second time.

Mr. Hughes moved a call of the House for the purpose of maintaining a quorum pending consideration of the above resolution, and the call was not seconded.

Mr. Alsup offered the following amendment to the resolution:

Amend resolution by striking out "12:00 o'clock noon" and inserting "6:00 o'clock p. m."

The amendment was adopted.

Mr. Kennedy moved to reconsider the vote by which the amendment was adopted.

On motion of Mr. Alsup, the motion to reconsider was tabled.

Mr. Kelly offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 86 by changing the date "Thursday, July 3, 1941," to "Saturday, July 5, 1941."

On motion of Mr. Harris of Dallas, the amendment was tabled.

Mr. Lock offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 86 by striking out Thursday, July 3, and inserting Tuesday, July 8.

On motion of Mr. Harris of Dallas, the amendment was tabled.

Mr. Kersey moved to postpone further consideration of the resolution until 5:00 o'clock p. m. today.

Mr. Taylor moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—96

Allison	Kennedy
Alsup	King
Avant	Klingeman
Bailey	Knight
Baker	Lehman
Bell	Love
Blankenship	Lowry
Bridgers	Lucas
Brown	Lyle
Bruhl	McCann
Burkett	McDonald
Carlton	McMurry
Chambers	McNamara
Cleveland	Markle
Coker	Matthews
Colson, Mrs.	Moore
Connelly	Morgan
Crossley	Morris
Crothwait	Morse
Daniel	Murray
Davis	Pace
Deen	Parker
Dickson of Bexar	Pevehouse
Dickson of Nolan	Phillips
Duckett	Price
Dwyer	Rampy
Ellis	Reed of Bowie
Fitzgerald	Reed of Dallas
Garland	Ridgeway
Gilmer	Rhodes
Goodman	Roberts
Halsey	Senterfitt
Hanna	Sharpe
Hardeman	Simpson
Harris of Dallas	Skiles
Harris of Hill	Smith of Bastrop
Hartzog	Smith of Atascosa
Heflin	Stinson
Helpinstill	Stubbs
Hileman	Taylor
Howard	Thornton
Howington	Turner
Hoyo	Voigt
Huddleston	Wattner
Hughes	Weatherford
Humphrey	White
Hutchinson	Whitesides
Isaacks	Winfree

Nays—31

Brawner	Favors
Bundy	Ferguson
Burnaman	Files
Carrington	Fuchs
Cato	Hargis
Craig	Henderson
Donald	Hobbs
Dove	Jones
Eubank	Kelly
Evans	Kersey

Lansberry
Lock
McGlasson
McLellan
Manford
Manning

Martin
Sallas
Spacek
Stanford
Walters

Absent

Bean
Benton
Celaya
Clark
Gandy
Huffman

Kinard
Leyendecker
McAlister
Shell
Vale

Absent—Excused

Allen
Boone
Bray
Bullock
Little

Mills
Montgomery
Nicholson
Roark
Spangler

The resolution, as amended, was then adopted by the following vote:

Yeas—116

Allison
Alsup
Avant
Bailey
Baker
Bell
Blankenship
Bridgers
Brown
Bruhl
Bundy
Burkett
Carlton
Cato
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Duckett
Dwyer
Ellis
Eubank
Evans
Favors
Ferguson
Files

Fitzgerald
Fuchs
Garland
Gilmer
Goodman
Halsey
Hanna
Hardeman
Hargis
Harris of Dallas
Harris of Hill
Hartzog
Hefin
Helpinstill
Hileman
Hobbs
Howard
Howington
Hoyo
Huddleston
Hughes
Humphrey
Hutchinson
Isaacks
Jones
Kennedy
Kersey
King
Klingeman
Knight
Lansberry
Lehman
Love
Lowry
Lucas
Lyle
McAlister

McCann
McDonald
McMurry
McNamara
Manford
Manning
Markle
Martin
Matthews
Moore
Morgan
Morris
Morse
Murray
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas

Ridgeway
Rhodes
Roberts
Sallas
Senterfitt
Sharpe
Shell
Simpson
Smith of Bastrop
Smith of Atascosa
Stinson
Stubbs
Taylor
Thornton
Turner
Voigt
Walters
Wattner
Weatherford
White
Winfree

Nays—13

Brawner
Burnaman
Carrington
Craig
Dove
Henderson
Kelly

Kinard
Lock
McGlasson
McLellan
Spacek
Stanford

Absent

Bean
Benton
Celaya
Gandy
Huffman

Leyendecker
Skiles
Vale
Whitesides

Absent—Excused

Allen
Boone
Bray
Bullock
Little

Mills
Montgomery
Nicholson
Roark
Spangler

Mr. Hughes moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, June 30, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 498, A bill to be entitled "An Act amending House Bill No. 271, which was passed by the 47th Legislature, 1941, which became effective April 18, 1941, for the purpose of correcting a clerical error made in said bill; and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

**BILLS AND RESOLUTIONS
SIGNED BY THE
SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 251, Authorizing certain correction in House Bill No. 998.

H. C. R. No. 269, Authorizing certain corrections in House Bill No. 524.

S. B. No. 416, "An Act to amend Section 7, Article 3266, of the Revised Civil Statutes of 1925, so as to provide for the recording of the decision of commissioners in eminent domain proceedings in the minutes of the County Court, and repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 524, "An Act amending Article 3899, Revised Civil Statutes of Texas, 1925, as amended by Chapter 311, Acts of the Forty-fourth Legislature, Regular Session, and Chapter 465, Acts of the Second Called Session, Forty-fourth Legislature; and by Chapter 498, Acts of the Forty-fifth Legislature, to provide that premium on official bonds for county treasurers, county auditors, county road commissioners, county school superintendents, and hide and animal inspectors, and their deputies, shall be paid from county funds; and declaring an emergency."

H. B. No. 626, "An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations, and undertakings of such housing authorities, and all proceedings, acts, and things hereto-

fore undertaken, performed or done with reference thereto; and declaring an emergency."

H. B. No. 998, "An Act authorizing the separation or divorcement of public schools from municipal control in municipal school districts entirely surrounded by a county line common school districts, pursuant to an election to be held for that purpose; defining the terms 'municipal district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; providing that such election shall be held as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters of such election; prescribing form of ballot for such election, etc.; and declaring an emergency."

H. B. No. 1061, "An Act to amend Section One of Senate Bill No. 41, Acts of the Forty-second Legislature, Regular Session, approved May 5, 1931, being an Act defining Group Life Insurance; providing that no policy of Group Life Insurance shall be issued or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy; providing the manner of paying the proceeds of any such insurance; providing the method of computing the reserves on such policies; prohibiting the issuance of any contract of Life Insurance covering a group except as provided by the provisions of the Act; and declaring an emergency."

SUSPENDING HOUSE RULES

Mr. Manning moved to suspend all necessary Rules in order that Mr. Isaacks may, at this time, address the House on any question he desires.

The motion to suspend the Rules prevailed by the following vote:

Yeas—75

Allison	Brown
Alsup	Bruhl
Avant	Bundy
Bell	Burnaman
Blankenship	Carlton

Carrington	Lowry
Cato	McCann
Chambers	McGlasson
Coker	McMurry
Connelly	Manford
Crosthwait	Manning
Daniel	Markle
Deen	Moore
Dove	Morgan
Ellis	Morris
Eubank	Morse
Evans	Murray
Files	Pevehouse
Fitzgerald	Phillips
Fuchs	Price
Gandy	Rhodes
Gilmer	Roberts
Hanna	Sallas
Hardeman	Senterfitt
Harris of Dallas	Simpson
Harris of Hill	Skiles
Heflin	Smith of Atascosa
Henderson	Spacek
Hileman	Stanford
Howington	Stinson
Hughes	Stubbs
Humphrey	Taylor
Hutchinson	Thornton
Kelly	Voigt
Kinard	Walters
Lansberry	Wattner
Lehman	Weatherford
Love	

Nays—31

Cleveland	Knight
Craig	Lock
Crossley	Lucas
Davis	McAlister
Dickson of Bexar	McDonald
Dickson of Nolan	McLellan
Donald	McNamara
Duckett	Martin
Ferguson	Matthews
Garland	Pace
Halsey	Parker
Hobbs	Rampy
Hoyo	Reed of Bowie
Kennedy	Ridgeway
Kersey	Turner
Klingeman	

Absent

Bailey	Colson, Mrs.
Baker	Dwyer
Bean	Favors
Benton	Goodman
Brawner	Hargis
Bridgers	Hartzog
Burkett	Helpinstill
Celaya	Howard
Clark	Huddleston

Huffman	Sharpe
Isaacks	Shell
Jones	Smith of Bastrop
King	Vale
Leyendecker	White
Lyle	Whitesides
Reed of Dallas	Winfree

Absent—Excused

Allen	Mills
Boone	Montgomery
Bray	Nicholson
Bullock	Roark
Little	Spangler

RECESS

Mr. Morgan moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Mr. Spacek moved that the House recess until 3:30 o'clock p. m. today.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—45

Bailey	McCann
Bruhl	McGlasson
Bundy	McNamara
Carlton	Martin
Chambers	Moore
Cleveland	Morgan
Connelly	Morris
Crossley	Murray
Crosthwait	Pace
Dickson of Nolan	Pevehouse
Ferguson	Reed of Dallas
Gilmer	Rhodes
Hanna	Roberts
Harris of Dallas	Senterfitt
Harris of Hill	Smith of Bastrop
Helpinstill	Smith of Atascosa
Henderson	Stinson
Howington	Turner
Kennedy	Voigt
Kinard	Walters
Knight	Wattner
Lock	Weatherford
McAlister	

Nays—69

Allison	Burnaman
Alsup	Carrington
Boone	Cato
Bridgers	Coker
Brown	Colson, Mrs.

Craig	Lehman
Daniel	Love
Davis	Lowry
Deen	Lucas
Dickson of Bexar	Lyle
Donald	McDonald
Dove	McLellan
Duckett	Manford
Ellis	Manning
Eubank	Markle
Evans	Matthews
Favors	Morse
Files	Parker
Fitzgerald	Phillips
Gandy	Price
Goodman	Rampy
Halsey	Reed of Bowie
Hartzog	Ridgeway
Heflin	Sallas
Hileman	Simpson
Hobbs	Skiles
Hoyo	Spacek
Hughes	Stanford
Humphrey	Stubbs
Hutchinson	Taylor
Isaacks	Thornton
Kelly	White
Kersey	Whitesides
Klingeman	Winfree
Lansberry	

Absent

Avant	Hardeman
Baker	Hargis
Bean	Howard
Bell	Huddleston
Benton	Huffman
Blankenship	Jones
Brawner	King
Burkett	Leyendecker
Celaya	McMurry
Clark	Sharpe
Dwyer	Shell
Fuchs	Vale
Garland	

Absent—Excused

Allen	Montgomery
Bray	Nicholson
Bullock	Roark
Little	Spangler
Mills	

Question then recurring on the motion to recess, it prevailed, and the House accordingly, at 1:35 o'clock p. m., took recess until 3:30 o'clock p. m. today.

AFTERNOON SESSION

The House met at 3:30 o'clock

p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

Mr. Morse was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Harris of Dallas.

Mr. Bray was granted leave of absence temporarily for today, on account of important business, on motion of Mr. McMurry.

HOUSE BILLS ON FIRST READING

Mr. McNamara moved to introduce at this time and have placed on first reading House Bill No. 1103.

The motion prevailed.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. McNamara, Mr. McGlas-son and Mr. Davis:

H. B. No. 1103, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue certain refunding bonds; prescribing the method of their issuance; providing the methods of securing and paying such bonds; enacting other provisions relating to the subject; making this Act cumulative of other laws; providing that it shall take precedence over other laws, general or special, in conflict or inconsistent herewith; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Hughes asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1104.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Hughes:

H. B. No. 1104, A bill to be entitled "An Act to empower any city or town in this State now or hereafter incorporated under the general laws of this State, and not having a special charter, and not having a

charter adopted or amended under the home rule provisions of the Constitution and Statutes of this State, having located within or adjacent to or within one mile of the corporate limits thereof a toll bridge between the United States of America and the Republic of Mexico, to acquire such toll bridge, with its rights and franchises and appurtenant properties, by purchase thereof from the owners thereof; to maintain and operate same, fix and collect tolls and charges for the use thereof; to mortgage and encumber same and the revenues thereof; in connection therewith to construct, maintain and operate parks, camps, quarters and accommodations for use and convenience of the public and to police, regulate and control same and fix and collect fees and charges for the use thereof; to accomplish the purposes of the Act to borrow money and accept grants from the United States of America or any agency thereof or from any person or corporation; for the purposes of this Act to issue its negotiable bonds or warrants and secure payment thereof by the mortgage or pledge of the properties acquired and the income and revenues thereof; prescribing details in respect to the issuance of such bonds or warrants; the manner in which and the price for which such bonds or warrants may be sold or exchanged for property; that the provisions of Articles 1111 to 1118, inclusive, and of the Bond and Warrant Law of 1931, and all amendments thereto, shall apply; providing that nothing in this Act shall authorize any such city or town acting in pursuance hereof to levy or collect any taxes or assessments or to pledge the credit of the State; that all bonds or warrants issued pursuant to this Act shall be negotiable instruments, shall be exempted from all State, county, municipal and other taxation under the laws of this State; providing a basis for the tolls, rentals, fees and charges to be fixed and collected for use of such properties; that the provisions of this Act shall be cumulative of existing laws; that if any part of this Act shall be held invalid same shall not affect the validity of any other part thereof; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

MESSAGE FROM THE SENATE

Austin, Texas, June 30, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 504, A bill to be entitled "An Act requiring employers to protect the contractual and/or seniority rights of employees entering military service, etc.; and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 498, to the Committee on Appropriations.

S. B. No. 504, to the Committee on Labor.

RELATIVE TO HOUSE BILL NO. 166

Mr. Dickson of Nolan was appointed as conferee on House Bill No. 166 to replace Mr. Bullock.

RELATIVE TO HOUSE BILL NO. 611

On motion of Mr. Alsup and by unanimous consent of the House, the Enrolling Clerk was authorized to correct the typographical errors in House Bill No. 611.

Mr. Kersey moved a call of the House for the purpose of maintaining a quorum until 5:00 o'clock p. m. today and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

Mr. Ferguson moved a call of the House for the purpose of maintaining a quorum until 5:00 o'clock

p. m. today and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:

Yeas—43

Baker	Humphrey
Cato	Isaacks
Coker	Kersey
Colson, Mrs.	Klingeman
Connelly	Lehman
Craig	Lock
Daniel	Love
Deen	Lowry
Dickson of Nolan	Lucas
Donald	McLellan
Dove	Markle
Favors	Parker
Fitzgerald	Pevehouse
Fuchs	Rampy
Gandy	Reed of Bowie
Gilmer	Simpson
Halsey	Spacek
Hanna	Taylor
Hardeman	Walters
Helpinstill	White
Hobbs	Whitesides
Hoyo	

Nays—49

Allison	Kelly
Alsup	Kennedy
Bailey	King
Bell	Knight
Benton	Lansberry
Bridgers	Leyendecker
Brown	McAlister
Bruhl	McNamara
Burkett	Matthews
Carlton	Morgan
Carrington	Morris
Chambers	Pace
Cleveland	Phillips
Crossley	Reed of Dallas
Ellis	Roberts
Eubank	Senterfitt
Ferguson	Smith of Bastrop
Garland	Smith of Atascosa
Harris of Hill	Stinson
Heflin	Vale
Hileman	Voigt
Howard	Wattner
Howington	Weatherford
Hughes	Winfree
Jones	

Absent

Avant	Kinard
Bean	Lyle
Blankenship	McCann
Brawner	McDonald
Bundy	McGlasson
Burnaman	McMurry
Celaya	Manford
Clark	Manning
Crosthwait	Martin
Davis	Moore
Dickson of Bexar	Murray
Duckett	Price
Dwyer	Ridgeway
Evans	Rhodes
Files	Sallas
Goodman	Sharpe
Hargis	Shell
Harris of Dallas	Skiles
Hartzog	Stanford
Henderson	Stubbs
Huddleston	Thornton
Huffman	Turner
Hutchinson	

Absent—Excused

Allen	Montgomery
Boone	Morse
Bray	Nicholson
Bullock	Roark
Little	Spangler
Mills	

Mr. Ferguson raised the point of order that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Ferguson moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—37

Bailey	Dickson of Nolan
Benton	Ellis
Brawner	Ferguson
Bruhl	Files
Burkett	Gilmer
Carlton	Harris of Dallas
Cleveland	Harris of Hill
Crossley	Howard
Dickson of Bexar	Howington

Kennedy	Senterfitt
King	Smith of Atascosa
Lansberry	Stinson
Leyendecker	Stubbs
Love	Turner
Morgan	Voigt
Morris	Walters
Pace	Wattner
Reed of Dallas	Winfree
Roberts	

Nays—71

Allison	Hoyo
Alsup	Hughes
Avant	Humphrey
Baker	Isaacks
Bell	Jones
Bridgers	Kelly
Brown	Kersey
Bundy	Klingeman
Burnaman	Knight
Carrington	Lehman
Cato	Lock
Clark	Lowry
Coker	Lucas
Colson, Mrs.	Lyle
Connelly	McLellan
Craig	McMurry
Daniel	McNamara
Deen	Manford
Donald	Markle
Dove	Martin
Duckett	Matthews
Eubank	Murray
Evans	Parker
Favors	Phillips
Fitzgerald	Price
Fuchs	Rampy
Gandy	Reed of Bowie
Garland	Simpson
Goodman	Smith of Bastrop
Halsey	Spacek
Hardeman	Stanford
Hartzog	Taylor
Heflin	Weatherford
Helpinstill	White
Hileman	Whitesides
Hobbs	

Absent

Bean	Huffman
Blankenship	Hutchinson
Celaya	Kinard
Chambers	McAlister
Crosthwait	McCann
Davis	McDonald
Dwyer	McGlasson
Hanna	Manning
Hargis	Moore
Henderson	Pevehouse
Huddleston	Ridgeway

Rhodes	Skiles
Sallas	Thornton
Sharpe	Vale
Shell	

Absent—Excused

Allen	Montgomery
Boone	Morse
Bray	Nicholson
Bullock	Roark
Little	Spangler
Mills	

Mr. Ferguson called for a verification of the above vote.

Mr. Eubank moved to dispense with the verification.

The motion prevailed.

Mr. McLellan moved a call of the House for the purpose of maintaining a quorum until 5:00 o'clock p. m. today and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion for the call of the House was lost by the following vote:

Yeas—46

Allen	Hobbs
Avant	Hoyo
Baker	Hughes
Bell	Humphrey
Burnaman	Kersey
Carrington	Klingeman
Cato	Leyendecker
Coker	Lock
Colson, Mrs.	Lucas
Connelly	McLellan
Craig	McMurry
Daniel	Manford
Davis	Markle
Deen	Matthews
Dickson of Bexar	Parker
Donald	Rampy
Dove	Reed of Bowie
Eubank	Simpson
Favors	Smith of Bastrop
Fitzgerald	Smith of Atascosa
Halsey	Spacek
Hartzog	Whitesides
Helpinstill	Winfree

Nays—57

Allison	Benton
Alsup	Blankenship
Bailey	Brawner

Bray	Kennedy
Bridgers	King
Brown	Knight
Burkett	Lansberry
Carlton	Lehman
Cleveland	Love
Crossley	Lowry
Crosthwait	Lyle
Dickson of Nolan	McGlasson
Ellis	McNamara
Ferguson	Martin
Files	Morris
Fuchs	Murray
Gandy	Pace
Garland	Phillips
Gilmer	Price
Harris of Dallas	Reed of Dallas
Harris of Hill	Roark
Heflin	Roberts
Henderson	Stinson
Hileman	Turner
Howard	Voigt
Howington	Walters
Isaacks	Wattner
Jones	Weatherford
Kelly	

Present—Not Voting

Mr. Speaker

Absent

Bean	McDonald
Bruhl	Manning
Bundy	Moore
Celaya	Morgan
Chambers	Pevehouse
Clark	Ridgeway
Duckett	Rhodes
Dwyer	Sallas
Evans	Senterfitt
Goodman	Sharpe
Hanna	Shell
Hardeman	Skiles
Hargis	Stanford
Huddleston	Stubbs
Huffman	Taylor
Hutchinson	Thornton
Kinard	Vale
McAlister	White
McCann	

Absent—Excused

Boone	Montgomery
Bullock	Morse
Little	Nicholson
Mills	Spangler

Mr. Morris moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—48

Benton	Lansberry
Brawner	Leyendecker
Bruhl	Love
Burkett	Lowry
Cleveland	Lyle
Crossley	McGlasson
Crosthwait	Martin
Dickson of Bexar	Morgan
Dickson of Nolan	Morris
Ellis	Pace
Ferguson	Reed of Dallas
Files	Roark
Fuchs	Roberts
Gandy	Senterfitt
Gilmer	Smith of Atascosa
Halsey	Stanford
Harris of Dallas	Stinson
Harris of Hill	Thornton
Hartzog	Turner
Henderson	Voigt
Howington	Walters
Kennedy	Wattner
King	Weatherford
Knight	Winfree

Nays—62

Allison	Hoyo
Alsup	Hughes
Avant	Humphrey
Baker	Isaacks
Bell	Jones
Bridgers	Kelly
Brown	Kersey
Bundy	Klingeman
Burnaman	Lehman
Carrington	Lock
Cato	Lucas
Coker	McAlister
Colson, Mrs.	McLellan
Connelly	McMurry
Craig	McNamara
Daniel	Manford
Davis	Markle
Deen	Matthews
Donald	Moore
Dove	Murray
Eubank	Parker
Evans	Phillips
Favors	Price
Fitzgerald	Rampy
Garland	Reed of Bowie
Hardeman	Simpson
Heflin	Smith of Bastrop
Helpinstill	Spacek
Hileman	Taylor
Hobbs	White
Howard	Whitesides

Present—Not Voting

Mr. Speaker

Absent

Bailey	Hutchinson
Bean	Kinard
Blankenship	McCann
Carlton	McDonald
Celaya	Manning
Chambers	Pevehouse
Clark	Ridgeway
Duckett	Rhodes
Dwyer	Sallas
Goodman	Sharpe
Hanna	Shell
Hargis	Skiles
Huddleston	Stubbs
Huffman	Vale

Absent—Excused

Allen	Mills
Boone	Montgomery
Bray	Morse
Bullock	Nicholson
Little	Spangler

RELATIVE TO RESOLUTION
PERIOD

Mr. Love moved to dispense with the resolution period at this time.

The motion was lost.

RELATIVE TO HOUSE
BILL NO. 963

Mr. Manning offered the following resolution:

H. C. R. No. 277, Relative to House Bill No. 963.

Whereas, House Bill No. 963 passed both Houses of the Legislature at the Regular Session of the Forty-seventh Legislature, but failed to receive sufficient votes in the House to put same into immediate effect; and

Whereas, It is of vital importance to the people of Shelby County that this law be made operative immediately; and

Whereas, Section 39 of Article III of the Constitution of the State of Texas provides that laws passed by the Legislature shall take effect and go into force ninety (90) days after the adjournment of the Session at which they were enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the

Legislature shall, by a vote of two-thirds of all the Members elected to each House otherwise direct; and

Whereas, The emergency is a part of, and expressed in the body of said House Bill No. 963; now, therefore, be it

Resolved, That the Legislature, by an affirmative vote of two-thirds of all Members elected to each House, hereby directs that said House Bill No. 963 be in full force and effect from and after the passage of this resolution; the votes thereon to be taken by yeas and nays and entered upon the Journals of the respective Houses; the purpose of this resolution being to put said House Bill No. 963 into immediate effect without waiting for the expiration of the ninety (90) days period immediately following the adjournment of the Regular Session of the Forty-seventh Legislature; and be it further

Resolved by the Legislature of the State of Texas, That said House Bill No. 963 including this resolution, is an emergency measure, and such emergency is hereby declared for the reasons herein and in said House Bill No. 963 stated; and on account of such emergency an imperative public necessity demands that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and said House Bill No. 963 and this resolution shall be in force and take effect from and after the passage hereof, and it is so enacted.

The resolution was read second time and was adopted by the following vote:

Yeas—87

Alsup	Crosthwait
Avant	Daniel
Baker	Deen
Bell	Dickson of Bexar
Bridgers	Dickson of Nolan
Brown	Donald
Bruhl	Dove
Burnaman	Duckett
Carrington	Ellis
Cato	Evans
Clark	Favors
Coker	Ferguson
Colson, Mrs.	Fitzgerald
Connelly	Fuchs
Craig	Garland

Hargis	McMurry
Harris of Dallas	Manford
Harris of Hill	Manning
Hartzog	Matthews
Heflin	Moore
Helpinstill	Morgan
Henderson	Murray
Hileman	Pace
Hobbs	Parker
Howard	Pevehouse
Hoyo	Price
Humphrey	Rampy
Hutchinson	Reed of Bowie
Isaacks	Rhodes
Kelly	Senterfitt
Kennedy	Shell
Klingeman	Simpson
Knight	Smith of Atascosa
Lehman	Spacek
Leyendecker	Stanford
Lock	Taylor
Love	Thornton
Lowry	Walters
Lucas	Wattner
Lyle	Weatherford
McAlister	White
McDonald	Whitesides
McGlasson	Winfree
McLellan	

Nays—18

Bailey	Hardeman
Blankenship	Howington
Burkett	Hughes
Carlton	Lansberry
Crossley	Markle
Davis	Morris
Eubank	Phillips
Gilmer	Reed of Dallas
Hanna	Roberts

Present—Not Voting

Benton	Huddleston
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Absent

Allison	Kinard
Bean	King
Brawner	McCann
Bundy	McNamara
Celaya	Martin
Chambers	Ridgeway
Cleveland	Sallas
Dwyer	Sharpe
Files	Skiles
Gandy	Smith of Bastrop
Goodman	Stinson
Halsey	Stubbs
Huffman	Turner
Jones	Vale
Kersey	Voigt

Absent—Excused

Allen	Montgomery
Boone	Morse
Bray	Nicholson
Bullock	Roark
Little	Spangler
Mills	

(Mr. Reed of Dallas in the Chair.)

TO EXPRESS LEGISLATIVE INTENT IN REGARD TO MERIT RATING SYSTEM

Mr. Carrington offered the following resolution:

H. C. R. No. 281, To Express Legislative Intent in Regard to Present Employees Under Merit Rating System.

Whereas, The Seventy-sixth Congress of the United States has amended the Social Security Act relating to the granting of money for the administration of the Unemployment Compensation Law in part as follows:

"Sec. 303. (a) The Board shall make no certification for payment to any State unless it finds that the law of such State, approved by the Board under the Federal Unemployment Tax Act, includes provision for—

"(1) Such methods of administration (including after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Board shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Board to be reasonably calculated to insure full payment of unemployment compensation when due; and . . ."; and

Whereas, The provisions of the Social Security Act relating to the grants of old-age assistance was amended to read as follows:

"Sec. 2. (a) A State plan for old-age assistance must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State

agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide for granting to any individual, whose claim for old-age assistance is denied, an opportunity for a fair hearing before such State agency; (5) provide such methods of administration (including after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Board shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Board to be necessary for the proper and efficient operation of the plan; (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; (7) effective July 1, 1941, provide that the State agency shall, in determining need, take into consideration any other income and resources of an individual claiming old-age assistance; and (8) effective July 1, 1941, provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of old-age assistance.

"(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for old-age assistance under the plan—

"(1) An age requirement of more than sixty-five years, except that the plan may impose, effective until January 1, 1940, an age requirement of as much as seventy years; or

"(2) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for old-age assistance and has resided therein continuously for one year immediately preceding the application; or

"(3) Any citizenship requirement which excludes any citizen of the United States."—and

Whereas, The Texas Old Age Assistance Commission and the State Department of Public Welfare and the Texas Unemployment Compensation Commission have at all times maintained a self-imposed Merit System for the selection, retention and promotion of its employees, which Merit System has at all times been a part of the approved plan of operation of said departments; and

Whereas, All present employees of the State Department of Public Welfare and the Unemployment Compensation Commission have been selected, retained or promoted to their present positions on a merit basis; and

Whereas, All employees of the State Department of Public Welfare and the Unemployment Compensation Commission are well qualified and trained for the positions which they now hold, said qualifications being based on actual experience and in-service training in their respective positions; and

Whereas, It is the intention of this Legislature that any Merit System plan adopted by this Legislature, Merit System Council, State Board of Public Welfare, or Unemployment Compensation Commission shall not affect or apply to the employment and retention of any of the present employees of the State Department of Public Welfare and the Unemployment Compensation Commission who have been so employed for a period of ninety (90) days in their present positions prior to the adoption of this resolution; and

Whereas, It is the intention of this Legislature that any Merit System plan adopted by this Legislature, Merit Council, State Board of Public Welfare or the Unemployment Compensation Commission shall give due recognition to employees employed by said agencies who are on Civil Service registers, either of this State or of the United States, where such classification is comparable to the position which they now hold; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the State Board of Public Welfare, the Executive Director of the

State Department of Public Welfare, the Merit Council, and the Unemployment Compensation Commission be instructed, authorized and empowered to cover in and exempt from merit system examinations that have been or may hereafter be adopted, and to retain all present employees who have rendered satisfactory service and who have been employed by the State Department of Public Welfare, the Merit Council, or the Unemployment Compensation Commission for ninety (90) days prior to the adoption of this resolution, and said agencies are instructed, authorized, and empowered to cover in employees on Civil Service registers without further examination, if such registers are comparable to the position the employee now holds and such Civil Service registers as may be recognized in the future may be used for the selection of employees of said agencies, together with any comparable registers established by such agencies.

CARRINGTON,
STANFORD,
HOYO.

The resolution was read second time.

The point of order was raised that the time for the consideration of resolutions has expired.

The Chair sustained the point of order.

Mr. Eubank moved that the time for the consideration of resolutions be extended for thirty minutes.

The motion to suspend the Rules was lost.

AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

Mr. Lucas offered the following resolution:

H. C. R. No. 282, Authorizing the Loan of Certain Highway Equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire and other fencing materials in Henderson County and other near-by counties and within the highway district

which includes Henderson County; and

Whereas, The Malakoff Public School District is greatly in need of some of this discarded wire and other fencing materials for the proper fencing and improvement of the school grounds; and

Whereas, It will be a great accommodation to the Malakoff Public School District if said Highway Department permits said District to use the discarded wire and other fencing materials for the purpose of fencing and improving the school grounds; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the State Highway Department of Texas be authorized to lend to the Malakoff Public School District sufficient quantities of the discarded wire and other fencing materials hereinabove mentioned for the purposes as hereinabove set out, said Malakoff Public School District to return said wire upon request of the State Highway Department if and when requested, and it is so resolved.

The resolution was read second time and was adopted.

MESSAGE FROM THE GOVERNOR

The Chair laid before the House and had read the following message from the Governor:

June 30th, 1941.

To the House of Representatives of the Forty-seventh Legislature:

I have this day disapproved House Bill No. 971 for the following reasons:

In Section 1 of this bill, it provides:

"That the governing body of any city or town in this State whose street or streets form a connecting link between State highways, having outstanding as of the effective date of this Act, unpaid and delinquent indebtedness against the general fund, whether in the form of scrip warrants, warrants or notes, or in either or all of such forms, and which cannot derive revenues for general fund operating purposes from any publicly owned utilities at this time, is hereby authorized to

issue funding or refunding bonds for the purpose of funding any such items which constitute legal indebtedness of such city or town. No election nor notice of intention to issue such funding or refunding bonds shall be required."

To me it is obvious that under this provision any city that had unpaid and delinquent indebtedness against its general fund, if it came within the provisions of this Act, could without notice of intention to do so, issue bonds to retire this indebtedness. Furthermore, other sections of the bill would warrant the issuance of these bonds for thirty years at an interest rate of not to exceed five per cent.

Then Section 5 of this bill reads as follows:

"All such outstanding indebtedness is hereby validated, provided that the provisions of this section shall not be applicable to any such items of indebtedness which may be in litigation at the time this Act becomes effective."

Here you have a broad authority granted to these cities to issue refunding bonds at what I consider a high rate of interest for a period of thirty years and to take the action without even notice to the taxpaying public. Furthermore, the Act validates all of this indebtedness unless it is now in litigation, which might mean the validating of some indebtedness of a very questionable nature.

It is true that if a city has publicly owned utilities from which it is deriving revenue for its general fund, or if none of the streets of the city form connecting links between State highways, it would be excluded from this Act. But it seems to me that this would exclude very few and that the bill as drawn, applies to most cities of the State.

I believe the present laws of the State authorizing and providing the procedure for the issuance of funding bonds, are adequate to take care of all existing needs and I believe the passage of this bill would open the way for the unnecessary expansion of debt of local units of government, because whenever you encourage local units of government to adopt questionable methods of going into debt and later satisfying these debts by issuing bonds, you are cer-

tainly encouraging unsound financing, and for this reason, I have this day disapproved the bill.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

BILLS ORDERED NOT PRINTED

On motion of Mr. Bray, House Bill No. 1098 was ordered not printed.

On motion of Mr. Hughes, House Bill No. 1104 was ordered not printed.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 857, "An Act amending Article 3125, Revised Civil Statutes, 1925, as amended by Chapter 225, Acts of the Forty-third Legislature, to provide certain changes with respect to the canvass of election returns by the county executive committee; amending Articles 3126, 3128, 3129, 3130, 3131, 3146, 3147, 3148, 3150, Revised Civil Statutes, 1925, and Article 3153, Revised Civil Statutes, 1925, as amended by Chapter 241, Acts of the Forty-second Legislature, providing certain changes in the conduct of elections, for the determining of nominees, and for the prosecution of election contests; repealing Articles 3149 and 3151, Revised Civil Statutes, 1925, and repealing Article 3152, Revised Civil Statutes, 1925, as amended in Chapter 19, Acts of the Fortieth Legislature, as amended by Chapter 241, Acts of the Forty-second Legislature, and repealing all other laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

H. B. No. 188, "An Act amending Article 198 of the Revised Civil Statutes of the State of Texas, as amended by Acts of the 46th Legislature, 1939, page 148, Section 1, relating to, and designating the Supreme Judicial Districts of the State of Texas, by transferring Brown County from the Third Supreme Judicial District to the Eleventh Supreme Judicial

District; providing that this Act shall not affect the jurisdiction of the Court of Civil Appeals for the Third Supreme Judicial District in cases appealed from Brown County, in which the transcript shall have been filed in said court prior to the date this Act takes effect, etc.; and declaring an emergency."

ADJOURNMENT

Mr. Harris of Dallas moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—58

Avant	King
Bailey	Knight
Benton	Lansberry
Brawner	Lehman
Bridgers	Leyendecker
Bruhl	Love
Burkett	Lowry
Carlton	McCann
Cleveland	McDonald
Connelly	McMurry
Crossley	Martin
Crosthwait	Moore
Dickson of Bexar	Morgan
Dickson of Nolan	Morris
Dwyer	Pace
Ellis	Pevehouse
Ferguson	Price
Goodman	Rhodes
Halsey	Roberts
Hanna	Smith of Bastrop
Harris of Dallas	Smith of Atascosa
Harris of Hill	Stinson
Heflin	Stubbs
Helpinstill	Thornton
Henderson	Voigt
Howington	Walters
Huddleston	Wattner
Kennedy	Weatherford
Kinard	Winfree

Nays—50

Allison	Coker
Alsup	Colson, Mrs.
Bell	Craig
Bundy	Deen
Burnaman	Donald
Carrington	Dove
Cato	Duckett
Clark	Favors

Fitzgerald	Lucas
Garland	Lyle
Hardeman	McLellan
Hargis	Manford
Hartzog	Manning
Hileman	Markle
Hobbs	Matthews
Hoyo	Parker
Hughes	Rampy
Humphrey	Reed of Bowie
Hutchinson	Sallas
Isaacks	Shell
Jones	Simpson
Kelly	Spacek
Kersey	Stanford
Klingeman	Taylor
Lock	Whitesides

Absent

Baker	Huffman
Bean	McAlister
Blankenship	McGlasson
Brown	McNamara
Celaya	Murray
Chambers	Phillips
Daniel	Reed of Dallas
Davis	Ridgeway
Eubank	Senterfitt
Evans	Sharpe
Files	Skiles
Fuchs	Turner
Gandy	Vale
Gilmer	White
Howard	

Absent—Excused

Allen	Montgomery
Boone	Morse
Bray	Nicholson
Bullock	Roark
Little	Spangler
Mills	

The House accordingly at 4:35 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Game and Fisheries: H. B. Nos. 1101 and 1100.

Constitutional Amendments: S. J. R. No. 20.

State Affairs: S. C. R. No. 85.

Livestock and Stock Raising: H. B. No. 1102.

Municipal and Private Corporations: H. B. Nos. 1098, 1103 and 1104.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1099, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Bedding Division of the State Department of Health for the two-year period beginning September 1, 1941, and ending August 31, 1943, and for other purposes; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1089, A bill to be entitled "An Act for the purpose of providing necessary regulations for the taking of fish from the body of water formed by the waters of the Navasota River within the boundaries of Fort Parker State Park; providing for a special license for one day's fishing; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1088, A bill to be entitled "An Act to amend Chapter 85 of the First Called Session of the Fortieth Legislature approved June 8, 1927, to authorize a ninety-nine year lease to be issued to the Town

of Aransas Pass leasing Ransom Island and certain waters surrounding the same, situated in Nueces County, authorizing the said town to improve or have said area improved for public park purposes and the building of recreational facilities, bathing beaches, wharves, slips and docks, pavilions, clubhouses, habitations, tourist and other cottages, hotels, cafes, stores, filling stations, concessions, bathhouses, channels, causeways, bridges, streets, alleys, utilities and other structures and facilities necessary or desired for the development of the lease area as a place of recreation, amusement and better living; authorizing the reclamation, dredging and filling of any part of the leased area; authorizing the subdivision of the leased area or any part thereof into lots and blocks by surveys and dedicated maps and plats; authorizing said town to sublease all or any part or parts of the leased area for any or all of said purposes; validating all subleases heretofore made by said town of Aransas Pass; providing for the maintenance of said area and for keeping open to the public free of charge such portions as may be necessary to constitute a public place for the recreation and enjoyment of the public; providing for the policing of said area, enlarging the area to be leased; preserving to the State all minerals in and under the leased area with the right of access for drilling and mining purposes and reserving the right to sell any and all available shell in the land area; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1096, A bill to be entitled "An Act relating to National and State defense; providing for the establishment of a State Council of Defense and of local and district councils of defense; prescribing the powers and duties thereof; providing for the acceptance of gifts and

donations and creating a fund therefor; appropriating all monies in said fund; providing a saving clause; repealing all laws or parts of laws inconsistent therewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1094, A bill to be entitled "An Act amending Section 6 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, as amended by Section 3 of House Bill No. 828, Acts of the Regular Session of the Forty-seventh Legislature, providing for the appointment, term of office, qualification and organization of Board of Directors of the San Jacinto River Conservation and Reclamation District; fixing the domicile of said district; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, June 30, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 857, "An Act amending Article 3125, Revised Civil Statutes, 1925, as amended by Chapter 225, Acts of the Forty-third Legislature, to provide certain changes with respect to the canvass of election returns by the county executive committee; amending Articles 3126, 3128, 3129, 3130, 3131, 3146, 3147, 3148, 3150, Revised Civil Statutes, 1925, and Article 3153, Revised Civil Statutes, 1925, as amended by Chapter 241, Acts of the Forty-second Legislature, providing certain changes in the conduct of elections, for the determining of nominees, and for the prosecution of election con-

tests; repealing Articles 3149 and 3151, Revised Civil Statutes, 1925, and repealing Article 3152, Revised Civil Statutes 1925, as amended in Chapter 19, Acts of the Fortieth Legislature, as amended by Chapter 241, Acts of the Forty-second Legislature; and repealing all other laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 30, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 269, Instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 524.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 30, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 251, Authorizing certain corrections in House Bill No. 251.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 30, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 626, "An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations, and undertakings of such housing authorities, and all proceedings, acts, and things heretofore undertaken, performed or done with reference thereto; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 30, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1061, "An Act to amend Section 1 of Senate Bill No. 41, Acts of the Forty-second Legislature, Regular Session, approved May 5, 1931, being an Act defining group life insurance; providing that no policy of group life insurance shall be issued or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy; providing the manner of paying the proceeds of any such insurance; providing the method of computing the reserves on such policies; prohibiting the issuance of any contract of life insurance covering a group except as provided by the provisions of the Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

June 30, 1941

House Bill No. 1061.

House Bill No. 524.

House Bill No. 998.

House Bill No. 626.

House Concurrent Resolution No. 279.

House Concurrent Resolution No. 269.

House Concurrent Resolution No. 251.

NINETY-NINTH DAY

(Tuesday, July 1, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker

Allen

Allison

Alsup

Avant

Bailey

Baker

Bean

Bell

Benton

Brawner

Bray

Bridgers

Brown

Bruhl

Bundy

Burkett

Burnaman

Carlton

Carrington

Cato

Celaya

Chambers

Clark

Cleveland

Coker

Colson, Mrs.

Connelly

Craig

Crossley

Crosthwait

Daniel

Davis

Deen

Dickson of Bexar

Dickson of Nolan

Donald

Dove

Duckett

Dwyer

Ellis

Eubank

Evans

Favors

Ferguson

Files

Fitzgerald

Fuchs

Gandy

Garland

Gilmer

Goodman

Halsey

Hanna

Hardeman

Hargis

Harris of Dallas

Harris of Hill

Hartzog

Heflin

Helpinstill

Henderson

Hileman

Hobbs

Howard

Howington

Hoyo

Huddleston

Hughes

Humphrey

Hutchinson

Isaacks

Jones

Kelly

Kennedy

Kersey

Kinard

King

Klingeman

Knight

Lansberry

Lehman

Leyendecker

Lock

Love

Lowry

Lucas

Lyle

McAlister

McCann

McDonald

McGlasston

McLellan

McMurry

McNamara

Manford

Manning

Markle

Martin

Matthews

Montgomery

Moore

Morgan

Morris

Murray

Pace

Parker

Pevehouse

Phillips

Price

Rampy

Reed of Bowie

Reed of Dallas

Ridgeway

Rhodes

Roberts

Sallas

Senterfitt

Sharpe

Shell

Simpson

Skiles

Smith of Bastrop

Smith of Atascosa

Spacek

Stanford